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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,524	08/29/2005	Axel Zacharias	175.8150USU	6792
27623 7590 03/13/2008 OHLANDT, GREELEY, RUGGIERO & PERLE, LLP ONE LANDMARK SQUARE, 10TH FLOOR STAMFORD, CT 06901				
EXAMINER HOGE, GARY CHAPMAN				
ART UNIT 3611		PAPER NUMBER		
MAIL DATE 03/13/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/518,524

**Applicant(s)**

ZACHARIAS, AXEL

**Examiner**

Gary C. Hoge

**Art Unit**

3611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 7-10 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Packer (3,830,278).

Packer discloses a picture frame comprising several frame ledges **11-14** and connecting elements **15** for releasably connecting adjacent frame ledges, wherein insertion pockets **33** are provided in the frame ledges into which the connecting elements are insertable; at least two ledge rear sides of the frame ledges (there are four all together); first fastening elements **30** being configured to form a releasable and non-destructive connection with second fastening elements **52** provided on a picture adapted to be stretched onto the frame.

Regarding claim 2, a nail that is driven into a material is held by friction.

Regarding claim 5, the edges of the connecting elements disclosed by Packer are parallel to the outer contours of the frame ledges, and thus are in substantial alignment therewith.

Regarding claim 13, see Fig. 3.

Regarding claims 14 and 15, the frame ledges disclosed by Packer include several longitudinally extending grooves. The recitation that they are “for receiving wall mountings and/or spacers” is merely a statement of intended use and does not define over the art.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packer (3,830,278) in view of Belfor (3,613,279).

Packer discloses the invention substantially as claimed, as set forth above. However, the corner connectors disclosed by Packer do not include friction elements (claim 3) in the form of lamellae (claim 4). Belfor teaches that it was known to provide friction elements on a corner connector of a frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the corner connector of the frame disclosed by Packer with friction elements, as taught by Belfor, in order to make a more secure connection.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Packer (3,830,278) in view of Henley (6,145,567).

Packer discloses the invention substantially as claimed, as set forth above. However, Packer uses staples rather than Velcro® to attach the picture. Henley teaches that Velcro® is an equivalent fastener to staples. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Velcro® instead of staples to attach the picture disclosed by Packer, as taught by Henley, as a simple substitution of one known fastening means for another to achieve the predictable result of fastening the picture to the frame.

6. Claims 1, 2, 5 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packer (3,830,278) in view of Inoue (JP 2002-113999 A).

Packer discloses a picture frame comprising several frame ledges **11-14** and connecting elements **15** for releasably connecting adjacent frame ledges, wherein insertion pockets **33** are provided in the frame ledges into which the connecting elements are insertable; and at least two ledge rear sides of the frame ledges (there are four all together). In the event that the fastening elements (i.e., staples, nails or tacks) disclosed by Packer are not considered to be releasable and non-destructible, Inoue teaches that it was known in the art to use Velcro® to attach a canvas to a frame. The simple substitution of the known canvas attachment taught by Inoue for the one disclosed by Packer would have been obvious to one having ordinary skill in the art at the time the invention was made in order to achieve the predictable result of securing the canvas to the frame.

Regarding claim 5, the edges of the connecting elements disclosed by Packer are parallel to the outer contours of the frame ledges, and thus are in substantial alignment therewith.

Regarding claim 13, see Fig. 3 of Packer and Fig. 2 of Inoue.

Regarding claims 14 and 15, the frame ledges disclosed by Packer include several longitudinally extending grooves. The recitation that they are “for receiving wall mountings and/or spacers” is merely a statement of intended use and does not define over the art.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packer (3,830,278) in view of Inoue (JP 2002-113999 A), as applied to claim 1, above, and further in view of Belfor (3,613,279).

Packer discloses the invention substantially as claimed, as set forth above. However, the corner connectors disclosed by Packer do not include friction elements (claim 3) in the form of lamellae (claim 4). Belfor teaches that it was known to provide friction elements on a corner connector of a frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the corner connector of the frame disclosed by Packer with friction elements, as taught by Belfor, in order to make a more secure connection.

***Response to Arguments***

8. Applicant's arguments filed December 6, 2007 have been fully considered but they are not persuasive.

Regarding Packer, Applicant states that "reading connections such as those formed by staples, nails, and tacks or even welds on the claimed first and second fastening elements that form 'a releasable connection' is simply not reasonable . . ." First of all, the Examiner made no mention whatsoever of welded connections, nor did he assert that they constitute a releasable connection. But staples, nails and tacks used to hold a canvas to a stretcher bar are certainly releasable, and in fact they are commonly used to secure the canvas temporarily to the stretcher bar and are then removed when the work is complete. The Examiner has personal knowledge of this fact because he has used a staple gun to mount a canvas to a stretcher bar prior to performing needlework on the canvas. The Examiner then pulled the staples out and removed the canvas from the stretcher bar prior to framing the canvas. This is a well-known technique in the needlecraft art. For example, Applicant's attention is drawn to the Wikipedia article that defines a stretcher bar thus:

A stretcher bar is used to construct a wooden stretcher frame used by artists to mount their canvases. They are traditionally a wooden framework support on which an artist

fastens a piece of canvas. They are also used for small-scale embroidery to provide steady tension, affixing the edges of the fabric with push-pins or a staple gun before beginning to sew, and then removing it from the stretcher when the work is complete. ([http://en.wikipedia.org/wiki/Stretcher\\_bar](http://en.wikipedia.org/wiki/Stretcher_bar))

Thus, contrary to Applicant's assertion, there is nothing unreasonable or "contorted" about describing a staple, nail or tack used to secure a canvas to a wooden frame as a releasable connection, because it is in fact commonly used that way in the art. Further, it is a non-destructive connection because it destroys neither the canvas nor the frame.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary C. Hoge/  
Primary Examiner, Art Unit 3611